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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,264	04/24/2000	Glen Kazumi Okita	02365.P0015	8596

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EXAMINER
CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
2676	12

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *07 March 2003* .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,4-10,13,14,16,19-22 and 24-26* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,4-10,13,14,16,19-22 and 24-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications of amendment received 03/07/2003.

2.   The disposition of the claims is as follows: claims 1, 4-10, 13, 14, 16, 19-22 and 24-26

are pending in the application. Claims 1, 9, 13 and 24-26 are independent claims.

Claim Rejections - 35 USC § 101

3.   In view of amended claims 1, 13 and 24-26, rejection is withdrawn.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 4, 5, 7-10, 13, 14, 16, 19 and 24-26 are rejected under 35 U.S.C. 102(b) as

being disclosed by Microsoft Project for Windows, hereafter MS-Project.

A.   Per claim 1, MS-Project discloses on p. 288-289, (detailed in figure on p. 289), "A

method of displaying information relating to a workflow driven by a computer system (PERT

chart) comprising: executing the workflow; gathering execution statistics information relating to

the execution of the workflow on the computer system (items E – I); displaying a workflow

diagram on a display screen associated with the computer system (p. 289, figure); and overlaying

the execution statistics over the workflow diagram, wherein the overlayed information indicates

workflow statistics for various steps displayed in the workflow diagram (items E – I)".

B.   Per claim 4, "The method of claim 1, wherein the overlaid execution statistics indicates

the number of times a certain step was executed" is disclosed supra for claim 1, wherein for

repeated workflow tasks the task ID number shown at 'E' in figure on p. 289 would be the same

indicating multiple identical tasks but most likely with different start and stop times.

C.   Per claim 5, "The method of claim 1, further comprising: selectively overlaying the

gathered execution statistics over the workflow diagram" is disclosed supra for claim 1.

D.   Per claim 7, "The method of claim 1, further comprising: color coding the displayed

execution statistics information" is disclosed supra for claim 1 especially under 'Task type' and

'Border' on p. 289.

E.   Per claim 8, "The method of claim 7, wherein the execution statistics are color coded

based on threshold values" is disclosed supra for claim 1 wherein critical is in red and non-

critical is in black and on p. 137 with critical definition values of 'yes and 'no'.

F.   Per claim 9, "A workflow system comprising: a workflow server engine for ... on the

display device" is disclosed supra for claim 1 and on p. 260, MS-Project using networks.

G.   Per claim 10, "The workflow system of claim 9, wherein the display device is a workflow

editor" is disclosed supra for claim 9 and on p. 86-89 under 'Edit Tasks and Resources'.

H.   Per claim 13, "A method of collecting information ... on the workflow diagram" is

disclosed supra for claim 1, wherein 'collecting' is equivalent to 'gathering'.

I.   Per dependent claims 14 and 16, these are directed to a method for performing the

method of independent claims 1 and dependent 4, and therefore are rejected to claims 1 and 4.

J.   Per claim 19, "The method of claim 13, wherein the collected execution statistics

includes execution time of one or more steps" is disclosed supra for claim 1 on p. 289. Depicted

on p. 289 is execution time (duration) measured in days, i.e. 2d, 4d, 3d. However duration can

also be measured in minutes, hours, and weeks as shown on p. 137 for 'Duration'.

K.   Per claim 24, "A method of collecting information ... with the computer system" is

disclosed supra for claims 1 and 4, wherein 'collecting' is equivalent to 'gathering'.

L.   Per claim 25, "A method of collecting information ... with the computer system" is

disclosed supra for claims 13 and 19.

M.   Per claim 26, "A method of collecting information ... with the computer system" is

disclosed supra for claims 13 and 20.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over MS-Project as

applied to claim 1 above, and further in view of Microsoft Project User's Guide, hereafter MS-

Project 2.

A.   Per claim 6, "The method of claim 1, wherein the execution statistics are selectively

displayed by positioning a pointer over the display" is disclosed supra for claim 1. Although

"wherein the execution statistics are selectively displayed by positioning a pointer over the

display" is not found on referenced pages for claim 1, MS-Project 2 does disclose on p. 207

Tooltips: When you want to know what a toolbar button does, pause your mouse pointer over it.

A small label, or ToolTip, appears, defining the button's function". While MS-Project 2 on p.

207 does not specifically disclose claim 6, Official Notice is given that examiner's personal

experience with MS-Project makes use of the same concept of a paused pointer over toolbar

buttons as it does for a paused mouse pointer over PERT chart statistical task information.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply a paused pointer over toolbar buttons as disclosed by MS-Project 2

in combination with a paused mouse pointer over PERT chart statistical task information

disclosed by Official Notice, and motivated to combine the teachings because it is characteristic

of MS-Project.

8.   Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-

Project as applied to claim 13 above, and further in view of Wide Workflow Development

Methodology, hereafter Workflow.

A.   Per claim 20, "The method of claim 13, wherein the collected execution statistics

includes the number of exceptions encountered during execution of the workflow" is disclosed

supra for claim 13 by MS-Project. However MS-Project does not appear to disclose, "wherein

the collected execution statistics includes the number of exceptions encountered during

execution of the workflow", but Workflow does in paragraphs 5.2 – 5.2.7, particularly for

instance in figure 15 wherein 'n' is the number of exceptions.

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply mapping workflow diagrams as disclosed by MS-Project in

combination with mapping multiple exceptions as disclosed by Workflow, and motivated to combine the teachings because it is a common characteristic of diagramming workflow in both MS-Project and Workflow.

B.   Per claim 21, "The method of claim 13, wherein the collected execution statistics displayed as a raw number" is disclosed supra for claim 13 by MS-Project. However MS-Project does not appear to disclose, "wherein the collected execution statistics displayed as a raw number", but Workflow does in paragraph 4.4.2.4 and particularly in figure 10, wherein the execution statistics happen to be transitions "states are depicted in the state-transition diagram shown in Figure 10. The transitions between the states are labeled by numbers 1 to 9 (i.e. raw numbers)."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply mapping workflow diagrams as disclosed by MS-Project in combination with mapping transition represented (raw numbers) as disclosed by Workflow, and motivated to combine the teachings because it is a common characteristic of diagramming workflow in both MS-Project and Workflow. (MS-Project uses task ID numbers)

9.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over MS-Project as applied to claim 13 above, and further in view of InfoNet and Borg et al. (U. S. Patent Number 5,835,898), hereafter Borg.

A.   Per claim 22, ""The method of claim 13, wherein the collected statistical information is displayed as a percentage" is disclosed by MS-Project, supra for claim 13. Although MS-Project does not seem to discloses, "wherein the collected statistical information is displayed as a percentage" InfoNet discloses at " It then charts percentages of deadlines made and missed by DXP day-by-day", and Borg furthermore discloses in col. 11, lns. 30-40 at "The utilization

indicators now show the utilization <u>percentage</u> of each work center on the shop overview image

as illustrated in FIG. 2c. The display-shop-overview process 120 also displays the <u>percentage</u>

value next to the utilization indicator and in the status bar, along with other information as

described above. If the user so desires, he or she can request another refresh operation using a

different time period, and the display-shop-overview process 120 repeats the functional steps

shown in blocks 320, 325, 330, and 310. Otherwise, the software program 103 returns to the

<u>work flow</u> shown in FIG. 4 at decision block 125."

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply workflow process execution disclosed by MS-Project and Info Net

in combination with "workflow percentage" disclosed by Borg and motivated to combine

because it gives an advantage of the visual schedule management system in that it accomplishes

all of the report-based tasks of the prior art through on-line, graphical displays and models the

methods most job shops use currently as revealed in col. 4, lns. 12-15.

Response to Arguments

10.   Substance of the first Office Action, of 11/29/2002, used in the rejection is incorporated

herein by reference.

11.   Applicant's arguments with respect to claims 1, 4-10, 13, 14, 16, 19-22 and 24-26 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Responses

13.   Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for

formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-

delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).

Inquiries

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700.

J.F. Cunningham

gfc

May 13, 2003

Matthew C. Bella

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